

### **REMARKS**

The applicant respectfully requests reconsideration in view of the amendments and the following remarks. Support for amended claim 1 can be found in the published specification in paragraph no. [0033]. The applicant has also amended claim 1 as suggested by the Examiner in order to overcome the claim objections. The applicant has rewritten claim 28 into the independent form as claim 29.

Claim 28 is rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 4, 7-10, 13, 17-21, 23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Onikubo et al., U.S. Patent No. 6,280,859 B1 ("Onikubo"). Claims 11, 12, 15, 16, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onikubo. The applicant respectfully traverses these rejections.

#### **Rejections under 35 U.S.C. 112**

Claim 28 is rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has rewritten claim 28 into independent form as newly added claim 29. For the above reasons, this rejection should be withdrawn.

#### **Rejections under 35 U.S.C. 102**

Claims 1, 4, 7-10, 13, 17-21, 23 and 26-27 are rejected as being anticipated by Onikubo. Onikubo discloses aromatic diamines, which may comprise S(=O)<sub>2</sub> units. The compounds disclosed by Onikubo require two nitrogen atoms each bonded to "A" must be present ("N-A-

N”). Nitrogen is excluded from formula (4) of the applicant’s independent claim 1. The applicant has a proviso at the end of the claim, compounds of the formula (4) with X=oxygen, **consists of** only elements carbon, hydrogen, oxygen and sulfur. “Consists of” is closed language and would exclude nitrogen. Since nitrogen is required by Onikubo and excluded from the applicant’s formula (4) of claim 1, this rejection should be withdrawn.

**Rejections under 35 U.S.C. 103**

Claims 11, 12, 15, 16, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onikubo. As stated above, Onikubo requires two nitrogen atoms each bonded to “A” must be present (“N-A-N”). Nitrogen is excluded from formula (4) of the applicant’s independent claim 1. Therefore, Onikubo teaches away from the applicant’s claimed invention. For at least this reason, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00043-US from which the undersigned is authorized to draw.

Dated: July 7, 2009

Respectfully submitted,

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